

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dennis G. Hepp, et al.

Appl. No. : 10/616,126

Filed : July 8, 2003

For : **APPARATUS AND METHOD  
FOR DETERMINING  
CARDIAC OUTPUT IN A  
LIVING SUBJECT**

Examiner : Getzow, Scott M.

Group Art Unit: 3762



27299

PATENT TRADEMARK OFFICE

**TERMINAL DISCLAIMER**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. 1.321 (b) and (c), the Applicant herein, CardioDynamics International Corporation, is the one-hundred percent (100%) owner of U.S. Patent Application Serial No. 09/903,473 filed July 10, 2001, now U.S. Patent No. 6,602,201, as well as U.S. Patent Application Serial No. 10/616,126 (the above-identified application).

Applicant hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,602,201, and hereby agrees that any patent granted on the above-identified application shall be enforceable only for an during such period that the legal title

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to any patent granted on the above-identified application shall be the same as the legal title to U.S. Patent No. 6,602,201. This agreement extends to any patent granted on the above-identified application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,602,201 in the event that U.S. Patent No. 6,602,201 should later expire for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321 (a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

Respectfully submitted,

GAZDZINSKI & ASSOCIATES

Dated: July 25, 2006

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